

Kenai National Wildlife Refuge
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COMPATIBILITY DETERMINATION

The National Wildlife Refuge System Administration Act of 1966, as amended (16 U.S.C. 668dd-668ee) states that “The Secretary is authorized, under regulations as [s]he may prescribe, to – (A) permit the use of any area within the [National Wildlife Refuge] System for any purpose, including but not limited to hunting, fishing, public recreation and accommodations, and access wherever [s]he determines that such uses are compatible’ and that “... the Secretary shall not initiate or permit a new use of a refuge or expand, renew, or extend an existing use of a refuge, unless the Secretary has determined that the use is a compatible use and that the use is not inconsistent with public safety.” A compatible use is defined as “A proposed or existing wildlife-dependent recreational use or any other use of a national wildlife refuge that, based on sound professional judgment, will not materially interfere with or detract from the fulfillment of the National Wildlife Refuge System mission or the purposes of the national wildlife refuge.” The compatibility determination is to be a written determination signed and dated by the Refuge Manager and Regional Chief of the National Wildlife Refuge System, signifying that a proposed or existing use of a national wildlife refuge is a compatible use or is not a compatible use.

Applicable compatibility regulations in 50 CFR Parts 25, 26, and 29 were published in the Federal Register October 18, 2000 (Vol. 65, No. 202, pp 62458 – 62483).

Use: Forest Product Use (Includes firewood cutting, Christmas tree cutting, and use for habitat stabilization and restoration projects, and permitted removal of poles)

Refuge: Kenai National Wildlife Refuge

Establishing and Acquisition Authorities: The Refuge was first established as the Kenai National Moose Range by Executive Order 8979 on December 16, 1941. The boundaries were modified, purposes expanded, and name changed to Kenai National Wildlife Refuge under the provisions of the Alaska National Interest Lands Conservation Act (ANILCA) on December 2, 1980 (Public Law 96-487 Stat. 2371).

Refuge Purposes: The Executive Order purpose was primarily to “... protect the natural breeding and feeding range of the giant Kenai moose on the Kenai Peninsula, Alaska...”. ANILCA purposes for the Refuge include: “(i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to moose, bear, mountain goats, Dall sheep, wolves and other furbearers, salmonids and other fish, waterfowl and other migratory and nonmigratory birds; (ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats; (iii) to ensure to the maximum extent practicable and in a manner consistent with the purposes set forth in paragraph (i), water quality and necessary water quantity with the refuge; (iv) to provide in a manner consistent with subparagraphs (i) and (ii), opportunities for scientific research, interpretation, environmental education, and land management training; and (v) to provide, in a manner compatible with these purposes, opportunities for fish and wildlife oriented recreation.” The Wilderness Act of 1964 (Public Law 88-577) purposes are to secure an enduring resource of wilderness, to protect and

preserve the wilderness character of areas within the National Wilderness Preservation System, and to administer this wilderness system for the use and enjoyment of the American people in a way that will leave them unimpaired for future use and enjoyment as wilderness.

Policy (FWS 603 2.8) directs that pre-ANILCA purposes remain in force and effect, except to the extent that they may be inconsistent with ANILCA or the Alaska Native Claims Settlement Act, and that such purposes only apply to those areas of the Refuge in existence prior to ANILCA. The Executive Order purpose to protect Kenai moose, however, is treated as complimentary to the broader ANILCA purpose of conserving fish and wildlife populations; therefore, no special attention is given the Executive Order purpose in this compatibility review process.

Sec. 4(a) of the Wilderness Act provides that the purposes of the Act are to be within and supplemental to the purposes for which national wildlife refuges are established and administered. These purposes are applied to the approximately 1.3 million acres of Congressionally designated wilderness within the Refuge. They are also applied to the remaining approximately 700,000 acres of Refuge lands (that are not designated as wilderness) in any way that the proposed use might affect the designated wilderness areas.

National Wildlife Refuge System Mission: The National Wildlife Refuge System Mission is “To administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.

Description of Use: Kenai NWR, in multiple decades of operation, has employed a variety of management procedures that have allowed for public use of forest products including timber harvest; firewood cutting; collection of poles for private and commercial use; collection of root wads, willow cuttings, and spruce trees for riverbank stabilization projects; and the seasonal cutting of Christmas trees for personal use. Currently, by regulation, the commercial use of natural resources of a national wildlife refuge must not only be found to be compatible with its purposes, but also must be found to contribute to the purposes. This compatibility determination will not make a general decision on such uses and only applies to personal, non-commercial uses. Additionally, timber harvest programs are often large and complex enough that they will require a specific determination for the proposed use that focuses on the specifics of each proposal, including area, duration, methods, wildlife species and habitats involved, and similar topics. This determination only evaluates non-commercial use of forest products for general uses that are authorized via permit, regulation, or announcement.

Firewood cutting is allowed under the conditions of a special use permit for a fee of \$25 whenever the Refuge Manager determines that such use is beneficial to meeting management objectives such as improving the area for wildlife, preparing the area for prescribed fire, or assisting in thinning an area for a potential fire break near the wildland-urban interface. Permits are only issued for small areas and for specific periods of time. Winter snow conditions must be suitable if any off-road travel is permitted. Additionally, the use of down and dead trees for personal use for campfires is permitted by Refuge regulation throughout the year.

The Refuge may permit the removal of spruce trees, willow cuttings, or root wads for approved riverbank stabilization efforts. These efforts are generally for work on other public lands but on a case-by-case basis such materials may also be made available for personal use, but not for sale. In either case, conditions considered for the removal of these products are similar as to firewood cutting. The removal must be an aid to current management programs or objectives, or be in an area that will see the authorized removal of the products in some fashion in the near future

anyway. For example, a few trees may be permitted to be removed in an area proposed to be burned, or willow cuttings removed from a right-of-way that is subject to periodic cutting for maintenance purposes. The Refuge has also historically issued a small number of permits to take a small number of poles – often fire-killed spruce – to use for fencing, furniture, or other small-scale projects.

Christmas trees, generally small to medium size white spruce, have been authorized to be cut annually for many years. An announcement is made each November that reminds the public that one tree per family may be cut between Thanksgiving and Christmas each year, for personal use, and subject to some restrictions.

Personal wood cutting has only been authorized in recent years in an area of approximately 2 square miles near Funny River Road. Access to the area is via a gravel road retained from early oil and gas exploration activities. The road is gated except during times that wood cutting is allowed. In some years the road has not been opened due to the cost of snow removal necessary to ensure safe and reasonable access to the area. The Funny River wood cutting area is part of a larger area being managed to provide a firebreak from the Refuge to the communities of Soldotna and Funny River.

No more than a few Special Use Permits are issued for forest products to be used in rehabilitation or stabilization projects. Commonly no such permits are requested or issued in any given year. In similar fashion, few permits for the use of poles are generally requested.

The Refuge has no estimate on how many Christmas trees are removed each year, and given the area buffers stipulated, it is not common to see stumps or other evidence of removal more than a few places each year.

Availability of Resources: Management of large timber removal operations would require special environmental analysis and monitoring; however, such proposals also would require a specific compatibility review and are not covered by this general determination. Those uses covered under this review are deemed minor and recurring. Refuge staff and resources necessary to manage these uses are adequate without impacting other functions and priorities.

Anticipated Impacts of the Use: With special conditions to protect habitat from off-road vehicle travel, set-backs from water bodies, and other protective measures, there are no known significant impacts associated with the uses described. Fire wood and other vegetative or wood product collected for habitat projects elsewhere may be allowed when the removal is inconsequential because it will likely be removed soon anyway, or can actually benefit a management project by helping in the planned removal of some products. The cutting of young spruce trees each Holiday season, while unknown in quantity is unlikely to have any significant impacts. Millions of young spruce trees persist on the Refuge and the thinning of a select few may actually benefit the growth of surrounding trees by allowing additionally sunlight to the area and less competition in soils for nutrients and moisture. Young trees have minimal value to wildlife for nesting and cover, but do provide some thermal cover to small mammals, food to porcupines, and camouflage for some creatures, such as snowshoe hares, to avoid predators. The removal of Christmas trees currently, however, is deemed inconsequential in effects on ecosystem function; however, the use levels will be monitored over time and if certain areas are being impacted by the tree removal, restrictions will be imposed.

Public Review and Comment: This compatibility determination has been prepared while revising the Refuge's Comprehensive Conservation Plan and Environmental Impact Statement.

Future revisions can be accomplished outside of this planning process if deemed necessary and would be completed with public notice and involvement. Legal notice of the draft compatibility determination was published in the Anchorage Daily news and the Kenai Peninsula Clarion on February 25, 2007 which initiated a 45-day public comment period. The notice was also posted on a bulletin board at the Refuge headquarters for the same time period, made available starting February 28, 2007 on a list server fws-akrefugecompatibility@lists.fws.gov to 137 addresses, and made available on the Regional Refuge Planning web site at <http://alaska.fws.gov/nwr/planning/completed.htm>.

Comments on some or all of the (15) compatibility determinations were received from: The State of Alaska, The Wilderness Society, The National Wildlife Refuge Association, Friends of Kenai National Wildlife Refuge, Alaska Trappers Association, Defenders of Wildlife, Kenai Field Office (FWS), and The Humane Society of the United States.

The State of Alaska asked for clarification on the subsistence use of forest products beyond the description of use provided in the draft compatibility determination. For the most part this is not an issue at Kenai NWR. Regulations governing the subsistence uses of timber and plant material can be found at 50 CFR 36.15. Additionally, certain use of forest resources to meet subsistence needs could also be authorized under the provisions of a specific special use permit if required.

Determination (check one below):

_____ Use is Not Compatible

 X Use is Compatible With Following Stipulations

Stipulations Necessary to Ensure Compatibility: Special Use Permits are required for woodcutting or the removal of timber or vegetation for habitat work or other specific projects. Each permit includes special conditions to address specific concerns for the activity. Generally, for example, woodcutting will only be allowed on certain size or species of trees and in certain areas. Use of down and dead trees for personal campfires is allowed by Refuge regulation without additional restrictions, except that chainsaws are not allowed in designated Wilderness areas.

Stipulations for the cutting of Christmas trees include: limit of one tree per household per year for personal use only; can't be taken within 150-feet of a road, lake, stream, trail, campground, or picnic area; no cutting along Ski Hill Road and in the Refuge headquarters/visitor center area; open between Thanksgiving and Christmas each year; and stumps should be trimmed as close to the ground as possible for safety and aesthetic reasons. These stipulations are part of an annual announcement, but are proposed to be part of an amended regulatory package to formalize the authorization. It is likely that a tree size and species limitation would also be described at that time.

Justification: This compatibility determination only applies to minor and incidental uses of timber and related forest resources and the impacts of these routine activities on Refuge resources and management goals is negligible. Large logging or other proposed commercial uses of similar resources may be justified; however, they have site-specific impacts and additional regulatory review requirements. Such proposed uses will require additional analysis and review, including a specific compatibility determination.

Signature (Refuge Manager): /s/ Robin L. West 6/13/07
Signature and Date

Concurrence (Regional Chief): /s/ Todd J. Logan 8/14/07
Signature and Date

Mandatory 10-year Re-evaluation Date: 8/14/17